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Application Serial No. 10/783,486
Response to Office Action mailed August 8, 2005

Reply under 37 CFR § 1.116
Expedited Procedure - Technology Center 2600

Practitioner's Docket No. LAR 16324-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William C. Edwards et al.

Application No.: 10/783,486

Group No.: 2636

Filed: February 20, 2004

Examiner: Lieu, Julie B.

For: Self-Activating System and Method for Alerting When an Object or a Person Is
Left Unattended

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

23351

CERTIFICATE OF FACSIMILE

I hereby certify that the correspondence detailed below is transmitted via facsimile to
571-273-8300, in care of Mail Stop AF, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on the date noted below.

Response to Office Action – 14 pages (to include this certificate of facsimile)

Nov 4, 2005
Date

Elaine C. McMahon
Elaine C. McMahon

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SUMMARY OF TELEPHONE INTERVIEW WITH EXAMINER

Dear Madam:

In response to the Final Office Action of August 8, 2005, please note the following:

A Listing of the Claims as currently rejected begins on page 5 of this Response.

Remarks begin on page 13 of this Response.

A telephone interview after final rejection was conducted according to MPEP 713.09 on October 18, 2005, between the Examiner and Counsel for the Applicants. During the interview, the Examiner's attention was drawn to the language of MPEP Section 715.07 II. That section permits the removal or blocking off of dates necessary to establish prior conception, if the applicant does not desire to disclose the actual dates. The Applicant may instead allege that certain acts referred to occurred prior to a specified date. The Applicants in the present application did so earlier, submitting an affidavit under 37 CFR § 1.131 in their previous "Response to Office Action Mailed September 27, 2004."

In the Oct. 18th telephone interview, the Examiner acknowledged such language in the MPEP, further stated that she will withdraw the rejection of claims in the present application, and asked Counsel for the Applicants to include a summary of the telephone interview as a response to the Final Office Action. Accordingly, this reply is provided under 37 CFR §§ 1.116 and 1.133(b), and no amendment is deemed necessary. Following is a complete and proper recollection of the substance of the interview, in accordance with MPEP 713.04.

(A) Brief Description of the Nature of Any Exhibit Shown or Any Demonstration Conducted

The interview was conducted by telephone, therefore no exhibits were shown nor were any demonstrations conducted.

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(B) Identification of the Claims Discussed

Under the present Final Office Action, all 45 claims are currently rejected in view of one cited reference (Flanagan). Therefore, claims 1-45 were at issue in the subject telephone interview.

(C) Identification of Specific Prior Art Discussed

The Flanagan reference was the only prior art at issue, but the prior art itself was not discussed. At issue was the Applicants' use of an affidavit under § 37 CFR 1.131, swearing behind the Flanagan reference, but blocking out actual dates.

(D) Identification of the Principal Proposed Amendments of a Substantive Nature Discussed

No amendments were discussed. Amendments were not relevant to the discussion.

(E) General Thrust of the Principal Arguments of the Applicant and the Examiner

The Examiner contended in the Final Office Action that not enough evidence was presented in the Applicants' previous response to show that the Applicants' date of invention pre-dated the filing date of the reference patent. The Examiner contended that blocking off the dates in the exhibits presented in the earlier response resulted in a non-persuasive argument due to lack of evidence. The Applicants requested the interview to discuss the language of MPEP 715.07 II, which was relied upon in the Applicants' earlier response, and which indicates that actual dates need not be disclosed, and may be removed or blocked off, if the applicants "allege(s) that the facts referred to occurred prior to a specified date." The Applicants presented the argument that the affidavit in the earlier response was appropriate, and provided sufficient evidence of prior invention under MPEP 715.07 II.

(F) General Indication of Any Other Pertinent Matters Discussed

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No other pertinent matters were discussed.

(G) General Results or Outcome of the Interview

The Examiner stated that she would withdraw the rejection of claims 1-45. The Examiner asked that Applicants' counsel provide a written summary of the telephone interview as a Response after Final rejection, and that she would subsequently withdraw the rejection.

(H) For Interviews via Electronic Mail, a Paper Copy of E-Mail Contents

As the interview was not conducted via electronic mail, no e-mail communication occurred.